

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

**MINUTES OF CIVIL JURY/NON JURY TRIAL**

**Presiding Judicial Official** E. Richard Webber **Date** 10/26/10 **Case No.** 4:09-cv-69-ERW

Maizie Avichail **Vs.** St. John's Mercy Health System

Parties present for ☒ JURY TRIAL ☐ NON JURY TRIAL Day 7

Court Reporter D. Kriegshauser Deputy Clerk M.G.Kost

Attorney(s) for Plaintiff(s) Nathan Davidovich

Attorney(s) for Defendant(s) Kenneth Bean, Richard Hunsaker, Melanie Riley, Bobbie Moon

☐ Jury impaneled and sworn. ☐ Opening Statement(s) of ☐ Plaintiff(s) ☐ Defendant(s) made.

☐ Plaintiff(s) evidence ☐ commenced ☐ resumed ☐ and ☐ but not ☐ concluded.

☐ Defendant(s) evidence ☐ commenced ☐ resumed and concluded.

☐ Plaintiff(s) evidence in rebuttal ☐ commenced ☐ resumed ☐ and ☐ but not ☐ concluded.

☐ Defendant(s) evidence in surrebuttal ☐ commenced ☐ resumed ☐ and ☐ but not ☐ concluded.

☐ Oral ☐ Written Motions Pursuant Rule 50 at the close of ☐ pltf's case ☐ def't's case

☐ filed ☐ made/argued by ☐ pltf(s) ☐ def't(s) and is ☐ Overruled/Denied subject to reconsideration at later time. ☐ Sustained ☐ Court's ruling reserved ☐ taken under submission ☐ taken with the case.

☐ Closing Arguments of counsel made. ☐ Case taken under advisement.

☐ (Simultaneous) briefs due \_\_\_\_\_. ☐ Case is settled. Dismissal papers due \_\_\_\_\_.

☐ Jury charged and retires to consider its verdict(s) at 1:01 pm

☐ Verdict(s) returned at 3:00 pm

☐ Jury having been given a special verdict in the form of written interrogatories for finding of fact, retires to consider its verdict(s) at \_\_\_\_ am/pm ☐ Verdict(s) returned at \_\_\_\_ am/pm

☐ Jury unable to agree upon its verdict(s) by \_\_\_\_ am/pm is excused to resume deliberations \_\_\_\_ at \_\_\_\_ am/pm ☐

The Court declares a MISTRIAL. ☐ Trial is reset \_\_\_\_\_.

☐ On motion of ☐ plaintiff ☐ defendant ☐ Court the jury is polled.

☐ Proceedings to continue \_\_ at \_\_

☐ Judgment is entered accordingly this date. ☐ Depositions ☐ Exhibits retained by ☐ Court ☐ Counsel.

**PROCEEDINGS COMMENCED:** 9:39 a.m. - 1:01 p.m. **CONCLUDED:** 3:00 p.m. - 3:05 p.m.